



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MILLARD HILL,

Plaintiff,

-against-

SUPERINTENDENT ROBERT ERCOLE,

Defendant.
----- X

:
: 07 Civ. 7704 (WHP)

:
: ORDER

WILLIAM H. PAULEY III, District Judge:

Incarcerated Plaintiff Pro Se, Millard Hill, filed this action on August 29, 2007.

As of the date of this Order, Plaintiff has not served copies of the summons and complaint on

Defendant Superintendent Robert Ercole. Federal Rule of Civil Procedure 4(m) provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Plaintiff is directed to serve copies of the summons and complaint on Defendant by February 4,

2008. If Plaintiff fails by that date to effect service or to show good cause why service

could not be effected, this action will be dismissed without prejudice for failure to prosecute.

Dated: December 21, 2007
New York, New York

SO ORDERED:

A handwritten signature in black ink, appearing to read 'William H. Pauley III', written over a horizontal line.

WILLIAM H. PAULEY III
U.S.D.J.

Copies mailed to:

Mr. Millard Hill
97-A-5108
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
Plaintiff Pro Se

United States District Court
Southern District of New York
Pro Se Office
500 Pearl Street
New York, NY 10007